

Affirmative Action

Focus Questions:

1. The issues have changed, but the fundamental question remains: How equal are America's educational opportunities?
2. How does the history of black civil rights help enhance the arguments in support of Affirmative Action makes up for the past?

Affirmative Action Overview:

Affirmative action policies are those in which an institution or organization actively engages in efforts to improve opportunities for historically excluded groups in American society. Affirmative action policies often focus on employment and education. In institutions of higher education, affirmative action refers to admission policies that provide equal access to education for those groups that have been historically excluded or underrepresented, such as women and minorities. Controversy surrounding the constitutionality of affirmative action programs has made the topic one of heated debate.

The Case Against Affirmative Action

If, after 25 years, affirmative action has not succeeded in ending discrimination, perhaps it is time to try something else.

By David Sacks & Peter Thiel

Over the past quarter of a century, Stanford has been discriminating in favor of racial minorities in admissions, hiring, tenure, contracting and financial aid. But only recently has the University been forced to rethink these policies in the face of an emerging public debate over affirmative action.

We are beginning to see why. Originally conceived as a means to redress discrimination, racial preferences have instead promoted it. And rather than fostering harmony and integration, preferences have divided the campus. In no other area of public life is there a greater disparity between the rhetoric of preferences and the reality.

Take, for instance, the claim that racial preferences help the "disadvantaged." In reality, as the Hoover Institution's Thomas Sowell has observed, preferences primarily benefit minority applicants from middle- and upper-class backgrounds. At the same time, because admissions are a zero-sum game, preferences hurt poor whites and even many Asians (who meet admissions standards in disproportionate numbers). If preferences were truly meant to remedy disadvantage, they would be given on the basis of disadvantage, not on the basis of race.

Another myth is that preferences simply give minority applicants a small "plus." In reality, the average SAT disparity between Stanford's African-American and white admittees reached 171 points in 1992, according to data compiled by the Consortium on Financing Higher Education and cited in Richard Herrnstein and Charles Murray's book, *The Bell Curve*.

The fundamental unfairness and arbitrariness of preferences -- why should the under-qualified son of a black doctor displace the qualified daughter of a Vietnamese boat refugee? -- has led supporters to shift rationales in recent years. Instead of a remedy for disadvantage, many supporters now claim that preferences promote "diversity." This same push for "diversity" also has led Stanford to create racially segregated dormitories, racially segregated freshman orientation programs, racially segregated graduation ceremonies and curricular requirements in race theory and gender studies.

But if "diversity" were really the goal, then preferences would be given on the basis of unusual characteristics, not on the basis of race. The underlying assumption -- that only minorities can add certain ideas or perspectives -- is offensive not merely because it is untrue but also because it implies that all minorities think a certain way.

What's gone wrong? The basic problem is that a racist past cannot be undone through more racism. Race-conscious programs betray Martin Luther King's dream of a color-blind community, and the heightened racial sensitivity they cause is a source of acrimony and tension instead of healing.

When University officials boast of "looking for racism everywhere," as multicultural educator Greg Ricks did in a 1990 *Stanford Daily* interview, then perhaps the most sensible (and certainly the most predictable) response will be for white students to avoid dealing with such quarrelsome people. In this way, the stress on "diversity" has made interracial interaction strained and superficial; multiculturalism has caused political correctness.

None of this is to deny that there are some people in America who are racist and that there are some features of American life that are legacies of a much more racist past. But racism is not everywhere, and there is very little at a place like Stanford. Certainly, no one has accused Stanford's admissions officers of being racist, so perhaps the real problem with affirmative action is that we are pretending to solve a problem that no longer exists. Moreover, there is a growing sense that if affirmative action has not succeeded in ending discrimination after 25 years of determined implementation, then perhaps it is time to try something else.

Although Stanford's admissions office cannot undo the wrongs of history, its mission is still very important -- namely, admitting the best class of students it can find. The sole criterion in finding the members of this class and in defining "merit" should be individual achievement -- not just grades and test scores, of course, but a broad range

of accomplishments, in athletics, music, student government, drama, school clubs and other extracurricular efforts. But race and ethnicity (or gender or sexual preference) do not have a place on this list; these are traits, not achievements.

Perhaps the most tragic side effect of affirmative action is that very significant achievements of minority students can become compromised. It is often not possible to tell whether a given student genuinely deserved admission to Stanford, or whether he is there by virtue of fitting into some sort of diversity matrix. When people do start to suspect the worst -- that preferences have skewed the entire class -- they are accused of the very racism that justifies these preferences. It is a strange cure that generates its own disease.

A Stanford without affirmative action will be a Stanford in which the question of who belongs here will no longer need to be answered. It will no longer need to be answered because it will no longer need to be asked, not even *sotto voce*.

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WHO SUPPORTS AFFIRMATIVE ACTION?



THE MAJORITY OF AMERICANS SUPPORT AFFIRMATIVE ACTION

According to a 2007 report by the Pew Research Center, support for affirmative action among the American public has actually *increased substantially* in recent years, climbing from 58% in 1995 to 70% in 2007.¹

DR. MARTIN LUTHER KING JR. SUPPORTED AFFIRMATIVE ACTION

Opponents of affirmative action insist that they uphold Martin Luther King Jr.'s dream of a world in which people are judged not by the color of their skin, but by the content of their characters. But Dr. King never believed that racial inequality could be eliminated by ignoring race and racism in America. In fact, he supported affirmative action, and advocated the use of targeted race-, gender- and class-conscious measures to ensure equal opportunities for all people. He argued:

The hour has come for everybody, for all institutions of the public sector and the private sector to work to get rid of racism...We must come to see that the roots of racism are very deep in our country, and there must be something positive and massive in order to get rid of all the effects of racism and the tragedies of racial injustice.²

THE U.S. MILITARY SUPPORTS AFFIRMATIVE ACTION

Numerous high-ranking officers and civilian leaders of the Army, Navy, Air Force, and Marine Corps rallied in support of affirmative action in the 2003 Supreme Court case *Grutter v. Bollinger*. Urging the court to uphold the limited consideration of race in certain contexts, they wrote:

Based on decades of experience, *amici* have concluded that a highly qualified, racially diverse officer corps educated and trained to command our nation's racially diverse enlisted ranks is essential to the military's ability to fulfill its principal mission to provide national security...The military has made substantial progress towards its goal of a fully integrated, highly qualified officer corps. It cannot maintain the diversity it has achieved or make further progress unless it retains its ability to recruit and educate a diverse officer corps...The fact remains: Today, there is no race-neutral alternative that will fulfill the military's, and thus the nation's, compelling interest in national security.³

FORTUNE 500 COMPANIES SUPPORT AFFIRMATIVE ACTION

More than sixty leading Fortune 500 companies, including 3M, Coca-Cola, General Electric, Hewlett-Packard, Intel, Johnson & Johnson, Kraft Foods, Microsoft, Nike, Pepsi, Procter & Gamble, Reebok, and Xerox came out in support of affirmative action in 2003. In an amicus brief to the Supreme Court in *Grutter v. Bollinger*, they wrote:

The students of today are this country's corporate and community leaders of the next half-century. For these students to realize their potential as leaders,

(continued on reverse)

it is essential that they be educated in an environment where they are exposed to diverse people, ideas, perspectives and interactions. In the experience of the *amici* businesses, today's global marketplace and the increasing diversity in the American population demand the cross-cultural experience and understanding gained from such an education.⁴

AMERICA'S TOP UNIVERSITIES SUPPORT AFFIRMATIVE ACTION

Harvard University, Brown University, the University of Chicago, Dartmouth College, Duke University, the University of Pennsylvania, Princeton University, and Yale University joined together in 2003 to voice their support for the continued use of race-conscious admissions programs. They wrote:

Academically selective universities have a compelling interest in ensuring that their student bodies incorporate the experiences and talents of the wide spectrum of racial and ethnic groups that make up our society. *Amici* should be free to compose a class that brings together many different kinds of students; that includes robust representation of students from different races and ethnicities; and that prepares graduates to work successfully in a diverse nation. Indeed, highly selective universities have long defined as one of their central missions the training of the nation's business, government, academic, and professional leaders. By creating a broadly diverse class, *amici's* admissions policies help to assure that their graduates are well prepared to succeed in an increasingly complex and multi-racial society.⁵

PROMINENT SPORTS FIGURES SUPPORT AFFIRMATIVE ACTION

In 2006, the National Association of Basketball Coaches (NABC), the Women's Basketball Coaches Association and the Black Coaches Association passed resolutions opposing Proposition 2, the ballot initiative that ultimately ended affirmative action in Michigan. Many of Michigan's most well-respected college basketball coaches spoke out about the importance of preserving affirmative action and promoting equality of opportunity for all students, including Tom Izzo (Michigan State University), Joanne P. McCallie (Michigan State University), Tommy Amaker (University of Michigan) and Ernie Zeigler (Central Michigan University).⁶

In 2008, the NABC again came out in favor of preserving affirmative action and against initiatives to eliminate it, stating in a press release:

The Board of Directors of the National Association of Basketball Coaches recognizes the importance of affirmative action programs in expanding opportunities for underrepresented minorities and women in university admissions and employment. Therefore, the NABC Board of Directors opposes the deceptively-titled "Civil Rights Initiatives" currently being proposed in Arizona, Colorado and Nebraska that would, if enacted, threaten access programs in those states.⁷

¹ The Pew Research Center for the People & the Press, "Trends in Political Values and Core Attitudes: 1987-2007." March 22, 2007.

² Dr. Martin Luther King, Jr., "Remaining Awake Through a Great Revolution." Delivered at the National Cathedral, Washington, D.C., March 31, 1968.

³ Consolidated Brief of Lt. Gen. Julius W. Becton, Jr. et al. as *Amici Curiae* in *Grutter v. Bollinger*, United States Supreme Court, 2003.

⁴ Brief for *Amici Curiae*: 65 Leading American Businesses in *Grutter v. Bollinger*, United States Supreme Court, 2003.

⁵ Brief of Harvard University et al. as *Amici Curiae* in *Grutter v. Bollinger*, United States Supreme Court, 2003.

⁶ See <http://www.youtube.com/user/OneUnitedMichigan> for video clips.

⁷ National Association of Basketball Coaches, "NABC Board of Directors Opposes 'Civil Rights Initiatives' Proposed in Arizona, Colorado and Nebraska" [press release], June 26, 2008.